



State of Utah

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S/037/119

June 28, 2005

Mr. Kyle Kimmerle
Kimmerle Mining LLC
4056 Beeman
Moab, UT 84532

Dear Mr. Kimmerle:

SUBJECT: Mining of Neighbor Mine DOGM File No. S/037/119
Kimmerle Mining LLC

We received a copy of your *Notice of Intent to Commence Operations* on the subject from the Division of Oil, Gas and Mining on June 9, 2005. Water from the mine needs to be placed in plastic lined ponds, rather than being allowed to flow onto bare ground. Prior to constructing these ponds, you must obtain a construction permit.

These ponds should be stable and large enough to hold the needed water inventory and any direct storm water. Include extra freeboard for overflow safety. Ponds should also be located away from or be adequately protected from storm water runoff streams to prevent scouring and pond discharge. Storm water also needs to be diverted around all piles. Other portions of the operation should be similarly protected from storm water exposure.

Storm water may also need to be diverted around all openings to the mine, including bore holes, shafts, and other entries to prevent accumulating additional water volume that will need to be stored by the ponds. Please contact me on any questions you have about obtaining a permit at (801) 538-6146.

Sincerely,

David A. Rupp, P.E.
Environmental Engineer

Cc: Joelle Burns, DOGM
Southeast Utah District Health Dept.

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DIV. OF OIL, GAS & MINING